

Ag Video Conference Notes
January 21, 2009
9 a.m.

Present: Gene Tinker, Tom McCarthy, Eric Wiklund, Jeff Vansteenburgh, Cindy Martens, Ken Hessenius, Paul Petitti, Dan Stipe, Randy Clark, Bob Palla, Karen Grimes, Sharon Tahtinen, Sara Hatch, Sara Smith, Ted Petersen, Josh Sobaski and Bert Noll.

Sara Hatch was introduced to the group. She is the legislative liaison for the EPA and will be covering 4 states. This is a new position and she plans to be in Iowa about every fourth week.

Emissions Reporting came as quite a surprise to the FOs and we were very unprepared to handle these calls during office hours as well as the staff carrying the pager over the weekend and Monday holiday. A spread sheet to enter these calls has been created and was sent to all the offices from Clark Ott. Each office should enter their reports on one spreadsheet, assign each call a release (spill) number and send these completed spreadsheets to Kathy Lee at the end of this week. We will not be creating spill sheets for these calls. It is estimated that Iowa has about 2,000 to 2,200 facilities that need to report their continuous emissions. John Askew from the EPA did state yesterday that the EPA would not penalize producers for reporting late (this week) as the phone lines were overwhelmed and many producers were not aware of this requirement.

NPDES Permitting Capacity can be determined by what the producer says will be his/her maximum number of animals, even if the lot has the potential to hold more animals. If they are a large CAFO going under the animal threshold for requiring a permit they must enter into a **Consent Order** which they sign and is also signed by the Director. DNR will also require documentation such as inventory numbers or feed records to be submitted periodically. Randy will work with Ed to determine a procedure for this Consent Order (which will most likely be the "Referral Process"). They will also need to determine the documentation necessary for this, as well as a time table or frequency of submittal for the documentation. FO#1 and FO#4 currently have producers in this situation and they will work with Randy to format a template and procedures. There will be stipulated penalties for noncompliance.

FO#3 has created forms and letters that may be used for the applications of combined lots. These include:

- NMP review checklist
- NMP approval letter
- NMP Failure to submit letter (This will go to those that submit an application but no NMP.)
- NMP incomplete letter
- Response to Compliance schedule letter
- Letter to those that did not submit anything. These are facilities we are aware of. Letter was created by Dan O. and Bill Gibbons and was sent out to FOs previously. FOs are encouraged to start sending out these letters. Be sure to remember the livestock (sales) facilities in your regions as well.
- Form for those deciding not to submit an NPDES permit stating their reasons. Examples may be: will not discharge to state water, reducing head, confining all animals, etc.

Bob reported that we have only received about 8 NPDES applications for combined animals. 4 of these were incomplete and Reza has sent out letters asking for their additional information. Marlon & Cyrus have created a spreadsheet in the CAFO/Shared drive under NPDES so that your office can see who has submitted applications. Bob has entered their submittal information in the comments section on the operation page in the AFO database as well.

MMP/NMP forms: Jeremy Klatt is currently working on these forms to change the application rate for soybeans to the limiting factor of 100 lbs. He is also working on some footnotes that are outdated and reference Appendix B3. Jeremy hopes to have these changes made by the end of next week. If you have noticed other problems with these forms or have items you'd like changed please let Jeremy or Cindy know.

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What constitutes the start of construction- this continues to be an issue as the amount of excavation needed is not defined in our rules. The department has always felt that a few shovels of dirt turned over is not a good faith effort in starting construction. Randy and Gene will work on this and try to better define how much excavation is needed to “start” construction. At this time guidance is to make sure there is a good faith effort put forth and an approximation of digging should be around a 20 x 20 x 2 foot hole in the correct location.

Pork Congress is in Des Moines January 28 and 29 and is fully staffed.

Digesters-Paul has worked with Christine Spackman, Bob Palla and Randy C. to redo the PIG for digester construction and permitting. They have separated those for confinements, open lots and industrial to better match the rules and create consistency in permitting future projects. The PIG has been finalized, but has not been signed. They plan to go to rulemaking with this, but at this time Wayne G. has not assigned the project to anyone, so it is on hold.

45-day Reminder Letters A discussion was had regarding eliminating the 45-day reminder letters for MMP updates. Wayne and Barb are in favor of this. FO#3 and FO#2 will be meeting next week to determine a plan to phase in elimination of these letters. They will come up with a proposal and present it to internal staff and the stakeholders groups for comment. The AFO database should be on line this year so producers will be able to view information about their sites and check their due dates, as well as an email reminder/notification option to replace paper letters.

AFO Database Claire reported that the consultant has started on reports and batch letters. Most of the design and basic functions are about done. They are working with one-stop site locations and watersheds, which has been a bit of a challenge. Testing will be in April and May with completion scheduled for June. Migration of data may prove to be a problem, which could set the project back a month or two.

Manure on Frozen/Snow Covered Ground- Public comment ends on March 27th. There will be 6 public hearings and Claire will be finalizing the dates and locations today. She will let us know when and where the hearings are to be held.

Engineering Rules These construction rule changes will be filed as a separate package. Sara is finishing with internal comments and review this week. In the next few days she hopes to send it out to stakeholders for their review and comments.

EPA Correction Hearings are being held with Gene leading. This is the rule package that was filed in response to the EPA taking the NPDES program away from the State. DNR is changing some rules to include livestock markets and combined operations. It is mostly wording changes to bring the State's rules in line with the Federal regulations. Iowa needs to meet the request of the petitioners that claim Iowa is not as stringent as the EPA rules. A hearing will be held at ILCC in Spencer on March 3rd in the evening.

Current Bills Sharon reported that there are currently only 2 Ag related bills. One is in regard to changing separation distances to 2 miles from a city and 3 miles from a historical attraction. The other bill is regarding local control. There are also proposals to shift penalties from the AFO program to County Conservation Boards and from Stormwater to the local Soil and Water Boards. Sharon does not see this going forward. She also stated that the Governor's budget is due on February 1st and they have reported that there will be cuts at that time. It is unknown at this time what the cuts will be.

Submitted by Cindy Martens